

30 September 2016



The Office of the Royal Commission  
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Our Ref: C16.325

Dear Commissioners

**Preliminary Submission on Disability Issues – First Peoples Disability Network**

The Public Interest Advocacy Centre (PIAC) acts for the First Peoples Disability Network Australia (FPDN). The FPDN registered its interest in providing information and submissions to this Royal Commission on 5 September 2016.

On 21 September 2016 we met with counsel assisting the Commission, Tony McAvoy SC. As discussed with Mr McAvoy, we now **enclose** a Preliminary Submission from the First Peoples Disability Network, which outlines the key issues relating to the needs of young people with a disability in the Northern Territory.

The submission also urges the Commission to hold a disability roundtable on the issue of best practice as to the care and support of young people with a disability in the community and within the child protection and criminal justice systems.

Yours sincerely

Privacy

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First Peoples  
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## **Royal Commission into the Protection and Detention of Children in the Northern Territory First Peoples Disability Network – Preliminary Submission on Disability Issues**

First Peoples Disability Network (**FPDN**) provides this preliminary submission on disability issues, to assist the Commission to identify key issues relating to the needs of young people with disability.

FPDN submits that the needs of young people with a disability are vitally important in considering the failings of the child protection and youth detention systems,<sup>1</sup> the treatment of young persons detained at youth detention facilities,<sup>2</sup> improvements to the child protection system, including early intervention pathways<sup>3</sup> access by young persons to appropriate medical care, including psychiatric care<sup>4</sup> and access to education.<sup>5</sup>

The issues are grouped below under the headings Community, Child Protection and Youth Detention. Each of these settings presents an opportunity for early detection, intervention, support and diversion away from child protection and/or criminal justice systems.

We respectfully suggest that the Commission considers each of the issues set out below in the course of the hearings and in the examination of individual, community and issued-based case studies. We also urge the Commission to hold a roundtable on disability issues to inform itself on these issues.

### **Disability in context**

FPDN notes that a wide range of disabilities may be relevant to the needs of young people in this context. This includes physical impairment, cognitive impairment, mental health disorders, mental illness, acquired brain injury and foetal alcohol spectrum disorders. These may interact with substance misuse and dependence and high levels of trauma. It is important to recognise the particular way in which disability, social disadvantage and trauma can result in many Indigenous young people in the Northern Territory having unique and complex needs.

### **Community**

FPDN submits that the Commission should explore the following issues relating to how young people with a disability and their families are supported in the community:

- The need for maternal, infant health and early childhood services in the community and the extent to which disability has been or is being diagnosed early via these services.

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<sup>1</sup> Terms of Reference (a).

<sup>2</sup> Terms of Reference (b).

<sup>3</sup> Terms of Reference (h).

<sup>4</sup> Terms of Reference (i).

<sup>5</sup> Terms of Reference (j).

- The extent to which information about disability is being communicated in a culturally appropriate and accessible manner with young people and their families.
- The need for specialist disability support services to support and assist children and young people with a disability to live in the community.
- The need for appropriate community health services in order to support children and young people with disabilities and their families to live in the community and the extent to which existing services are effective.
- The extent to which disability has been or is being identified and supported in schools and the education system.

### **Child protection**

Issues relating to how young people with a disability are cared for and supported in the child protection system:

- The extent to which disability is identified in children and young people coming into care.
- The extent to which young people with a disability are supported in care, including appropriate training, accommodation and support for their carers, referral and access to appropriate services and ongoing case management and needs assessments.
- The need to ensure the emotional wellbeing and cultural identity of young people with a disability in care by maintaining strong connections to family and community, particularly for those in non-kinship care.
- The extent to which young people with a disability are appropriately supported when transitioning out of care.

### **Youth detention**

Issues relating to how young people with a disability are identified and supported in the criminal justice system, including in detention:

- The need to screen and assess for disability in young people brought before the Courts.
- The availability of options to divert young people with a disability away from the criminal justice system and into appropriate disability and mental health services in the community.
- The extent to which disability is identified in young people entering detention.
- The need for a disability-led approach to planning and case management to support young people in detention including access to appropriate treatment and services, education and ongoing needs assessments.
- The need for positive behaviour management strategies, rather than responses that tend to exacerbate challenging behaviours, and appropriately trained staff.
- The need for appropriate mental health care including access to treatment, appropriate responses to acute mental health episodes and ongoing monitoring of mental health needs.
- The need for specialised accommodation options for young people with a physical disability in detention.